

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER MICHAEL ARENA,

Plaintiff,

v.

CERVANTES, *et al.*,

Defendants.

Case No. 1:21-cv-00928-JLT-BAM (PC)

**ORDER REQUIRING DEFENDANTS TO
RESPOND TO PLAINTIFF'S REQUEST FOR
GLOBAL SETTLEMENT CONFERENCE**

(ECF No. 55)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Peter Michael Arena ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Cervantes, Berlanga, Cerda-Jirano, Moreno, and Ceja for excessive force in violation of the Eighth Amendment.

On September 7, 2023, Plaintiff filed a motion requesting a settlement conference in this action and in another pending action, *Arena v. Navarro*, Case No. 1:20-cv-00617-BAM. (ECF No. 55.) Plaintiff states that he recently came to a verbal agreement with defense counsel in this action during a phone conversation, agreeing to an approximate settlement amount for both pending actions, and was told that another phone conference or discussion would occur in June with attorneys from both actions to resolve these cases. As that did not occur, Plaintiff is now requesting that the Court set both cases for a settlement conference. (*Id.*)

The Court generally will not grant motions to set a settlement conference without

1 confirmation that all parties feel that a settlement conference would be a beneficial use of
2 resources of the parties and the Court. Therefore, the Court finds it appropriate to obtain a brief
3 response from Defendants in both actions regarding Plaintiff's request for a settlement
4 conference, indicating whether Defendants are also willing to participate in a judicially mediated
5 settlement conference in either or both of these pending cases. The parties are further reminded
6 that they are free to communicate regarding a possible settlement, without judicial involvement.

7 Accordingly, Defendants are HEREBY ORDERED to file a brief written response to
8 Plaintiff's motion for a settlement conference, (ECF No. 55), within **twenty-one (21) days** from
9 the date of service of this order.

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11 IT IS SO ORDERED.

12 Dated: September 11, 2023

13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE
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